

**EIGHTY-SIXTH GENERAL ASSEMBLY
2016 REGULAR SESSION
DAILY
HOUSE CLIP SHEET**

MARCH 3, 2016

HOUSE FILE 2064

H-8065

1 Amend the amendment, H-8047, to House File 2064 as
2 follows:

3 1. Page 1, line 7, by striking <in violation of>
4 and inserting <as defined in section 726.6, subsection
5 1, paragraph "b", that is described and punishable
6 under>

By RIZER of Linn

H-8065 FILED MARCH 2, 2016

HOUSE FILE 2366

H-8064

1 Amend House File 2366 as follows:

2 1. Page 1, by striking lines 3 through 6 and
3 inserting:

4 <NEW SUBSECTION. 6. A county board of supervisors
5 shall not retaliate against an advocate for performing
6 the advocate's duties and responsibilities, provided
7 that the advocate performs the advocate's duties in
8 accordance with all of the following:>

9 2. By renumbering as necessary.

By HEATON of Henry

H-8064 FILED MARCH 2, 2016

HOUSE FILE 2385

H-8066

1 Amend the amendment, H-8042, to House File 2385 as
2 follows:

3 1. Page 1, by striking lines 5 and 6 and inserting
4 <to a civil penalty not to exceed of one thousand
5 dollars for each violation a first offense, two
6 thousand dollars for a second offense, and three
7 thousand dollars for a third or subsequent offense.>>

By LENSING of Johnson

H-8066 FILED MARCH 2, 2016

HOUSE FILE 2386

H-8063

1 Amend the amendment, H-8057, to House File 2386 as
2 follows:

3 1. Page 1, by striking lines 2 through 5.

4 2. Page 1, by striking lines 12 through 14 and
5 inserting <and the biological parent against whom>

6 3. By renumbering as necessary.

By WOLFE of Clinton

H-8063 FILED MARCH 2, 2016

HOUSE FILE 2388

H-8067

1 Amend House File 2388 as follows:

2 1. Page 1, line 23, by striking <plan.> and
3 inserting <plan, and may be performed only if the
4 licensed dental hygienist does not charge a fee or
5 receive compensation or remuneration in any form from
6 any person or third-party payer including but not
7 limited to an insurance company, health plan, or state
8 or federal benefit program.>

9 2. Page 2, line 1, after <inspection.> by
10 inserting <An oral inspection performed by a licensed
11 dental hygienist shall not constitute a dental exam and
12 shall not be performed for the purpose of diagnosing
13 a dental condition.>

By L. MILLER of Scott
LENSING of Johnson

H-8067 FILED MARCH 2, 2016

HOUSE FILE 2392

H-8069

1 Amend House File 2392 as follows:

2 1. Page 3, lines 14 and 15, by striking <approved
3 by the department> and inserting <that meets standards
4 adopted by the department>

5 2. Page 3, line 17, after <109-270> by inserting
6 <state board>

7 3. Page 4, line 9, by striking <approved>

8 4. Page 4, by striking lines 10 through 13 and
9 inserting <and decision-making systems.>

10 5. Page 4, line 20, by striking <approved>

11 6. Page 7, lines 25 and 26, by striking <paragraphs
12 c and d, Code 2016, are> and inserting <paragraph c,
13 Code 2016, is>

14 7. Page 8, by striking lines 4 through 20 and
15 inserting:

16 <Sec. ____ . Section 85.61, subsection 2, paragraph
17 d, Code 2016, is amended by striking the paragraph.>

18 8. Page 9, by striking lines 1 through 3 and
19 inserting <college pursuant to a contractual agreement
20 with a school corporation or accredited nonpublic
21 school to provide the program.>

22 9. Page 11, line 12, by striking <incorporate
23 twenty-first century skills,>

24 10. Page 11, line 15, by striking <and incorporate>
25 and inserting <incorporate>

26 11. Page 11, line 18, by striking <"h"> and
27 inserting <"h", and incorporate relevant twenty-first
28 century skills>

29 12. Page 12, by striking lines 6 through 13 and
30 inserting <education service areas: agriculture,
31 business or office occupations, health occupations,
32 family and consumer sciences or home economics
33 occupations, industrial technology or trade and
34 industrial education, and marketing education

35 (a) Agriculture, food, and natural resources.

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- 1 (b) Arts, communications, and information systems.
2 (c) Applied sciences, technology, engineering, and
3 manufacturing, including transportation, distribution,
4 logistics, architecture, and construction.
5 (d) Health sciences.
6 (e) Human services, including law, public safety,
7 government, public administration, and education and
8 training.
9 (f) Business, finance, marketing, and management,
10 including hospitality and tourism.
11 (02) Instruction provided under subparagraph (1)
12 shall be>
13 13. Page 22, line 16, by striking <258.14> and
14 inserting <258.4>
15 14. Page 22, by striking line 21 and inserting <not
16 subject to the requirements of section 69.16.>
17 15. Page 24, line 28, by striking <industry,
18 including> and inserting <industry and>
19 16. Page 27, line 21, after <districts> by
20 inserting <and a community college>
21 17. Page 27, line 23, by striking <and a community
22 college>
23 18. Page 27, line 26, by striking <at a minimum
24 fulfills> and inserting <may fulfill>
25 19. By renumbering as necessary.

By HANUSA of Pottawattamie

HOUSE FILE 2406

H-8061

1 Amend House File 2406 as follows:

2 1. By striking everything after the enacting clause
3 and inserting:

4 <Section 1. SCHOOL ELECTION VOTER PARTICIPATION
5 TASK FORCE.

6 1. The secretary of state shall convene an
7 intergovernmental task force to investigate voter
8 participation rates at regular and special school
9 elections and to make recommendations for raising voter
10 participation rates at such elections.

11 2. The task force shall include the following
12 members:

13 a. The secretary of state, or the secretary's
14 designee.

15 b. Four county auditors, two from counties with
16 large populations and two from counties with small
17 populations.

18 c. Two members who are members of the board of
19 directors of a merged area.

20 d. A member of the board of directors of a school
21 district with a large student population.

22 e. A member of the board of directors of a school
23 district with a small student population.

24 f. Two members of the senate and two members
25 of the house of representatives, serving as ex
26 officio, nonvoting members. The legislative
27 members of the board shall be appointed one each
28 by the majority leader of the senate, the minority
29 leader of the senate, the speaker of the house of
30 representatives, and the minority leader of the house
31 of representatives.

32 3. The task force shall submit its recommendations
33 to the governor and the general assembly no later than
34 December 15, 2016.>

35 2. Title page, by striking lines 1 through 8 and

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Page 2

1 inserting <An Act requiring the secretary of state to
2 convene a school election voter participation task
3 force.>

By HUNTER of Polk

H-8061 FILED MARCH 2, 2016

HOUSE FILE 2414

H-8068

1 Amend House File 2414 as follows:

2 1. Page 1, line 22, by striking <hire> and
3 inserting <hire, or a shared expense carpool or vanpool
4 arrangement>

5 2. Page 2, after line 15 by inserting:

6 <Sec. ____ . NEW SECTION. 321N.2 Exclusions ----
7 driver requirements.

8 1. A transportation network company, a
9 transportation network company driver, or a personal
10 vehicle used to provide a prearranged ride is not a
11 motor carrier as defined in section 325A.1, private
12 carrier as defined in section 325A.1, charter carrier
13 as defined in section 325A.12, or common carrier.

14 2. Prior to permitting an individual to act
15 as a transportation network company driver on a
16 transportation network company's digital network, the
17 company shall do all of the following:

18 a. Require the individual to submit an application
19 to the company with the individual's name, address,
20 and age, and with copies of the individual's driver's
21 license, the registration for the personal vehicle the
22 individual will use to provide prearranged rides, proof
23 of financial responsibility covering the driver in the
24 types and amounts required by section 321N.3, and any
25 other information required by the company.

26 b. Conduct, or instruct a third party to conduct,
27 a local and national criminal background check on the
28 individual and a search of the national sex offender
29 registry database for the individual.

30 c. Obtain and review a driving history research
31 report on the individual.

32 3. A transportation network company shall not
33 knowingly allow an individual to act as a driver on
34 the company's digital network if any of the following
35 apply:

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1 a. The individual has been convicted of more than
2 three moving violations.

3 b. The individual has been convicted of violating
4 section 321.218, 321.277, or 321J.21, or section
5 321A.32, subsection 1, in the prior three-year period.

6 c. The individual has been convicted in the prior
7 seven-year period of a felony, of violating section
8 321J.2 or 321J.2A, or of any crime involving resisting
9 law enforcement, dishonesty, injury to another person,
10 damage to the property of another person, or operating
11 a vehicle in a manner that endangers another person.

12 d. The individual is registered on the national sex
13 offender registry.

14 e. The individual is unable to provide any
15 information required by this section.

16 4. A transportation network company shall adopt and
17 enforce a zero tolerance policy prohibiting the use of
18 drugs or alcohol by a transportation network company
19 driver while the driver is providing a prearranged ride
20 or is logged on to the company's digital network and
21 available to receive requests for transportation from
22 potential riders. The policy shall include provisions
23 providing for the investigation of alleged violations
24 of the policy and the suspension of drivers under
25 investigation.

26 5. A transportation network company shall require
27 that a personal vehicle used to provide prearranged
28 rides shall comply with all applicable motor vehicle
29 equipment requirements.>

30 3. Page 2, line 16, by striking <321N.2> and
31 inserting <321N.3>

32 4. Page 3, line 5, after <accident.> by inserting
33 <If there is a lien on the personal vehicle used by the
34 driver while the driver is logged on to a company's
35 digital network and is available to receive requests

1 for a prearranged ride, primary automobile insurance
2 maintained pursuant to paragraph "c" shall also include
3 comprehensive physical damage coverage and collision
4 physical damage coverage.>

5 5. Page 3, line 21, after <accident.> by inserting
6 <If there is a lien on the personal vehicle used by the
7 driver while the driver is engaged in a prearranged
8 ride, primary automobile insurance maintained pursuant
9 to paragraph "c" shall also include comprehensive
10 physical damage coverage and collision physical damage
11 coverage.>

12 6. Page 4, line 33, by striking <321N.3> and
13 inserting <321N.4>

14 7. Page 5, line 12, by striking <321N.4> and
15 inserting <321N.5>

16 8. Page 6, line 18, by striking <potentially>

17 9. Page 6, lines 26 and 27, by striking <that
18 resulted in the claim>

19 10. Page 6, after line 30 by inserting:

20 <Sec. ____ . Section 325A.1, subsections 6, 7, and
21 13, Code 2016, are amended to read as follows:

22 6. "Motor carrier" means a person defined in
23 subsection 8, 9, or 10, but does not include a
24 transportation network company or a transportation
25 network company driver, as defined in section 321N.1.

26 7. "Motor carrier certificate" means a certificate
27 issued by the department to any person transporting
28 passengers on any highway of this state for hire,
29 other than a transportation network company or a
30 transportation network company driver, as defined in
31 section 321N.1. This certificate is transferable.

32 13. "Private carrier" means a person who provides
33 transportation of property or passengers by motor
34 vehicle, is not a for-hire motor carrier or a
35 transportation network company or a transportation

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1 network company driver, as defined in section 321N.1,
2 or who transports commodities of which the person is
3 the owner, lessee, or bailee and the transportation
4 is a furtherance of the person's primary business or
5 occupation.

6 Sec. _____. Section 325A.11, Code 2016, is amended to
7 read as follows:

8 325A.11 Passenger transportation.

9 In addition to the requirements of subchapter 1,
10 motor carriers of passengers and charter carriers shall
11 comply with the requirements of this subchapter. A
12 transportation network company or a transportation
13 network company driver, as defined in section 321N.1,
14 need not comply with the requirements of subchapter 1
15 or this subchapter.

16 Sec. _____. Section 325A.12, subsection 3, Code 2016,
17 is amended by adding the following new paragraph:

18 NEW PARAGRAPH. e. A transportation network company
19 or a transportation network company driver, as defined
20 in section 321N.1.

21 Sec. _____. Section 327D.1, Code 2016, is amended to
22 read as follows:

23 327D.1 Applicability of chapter.

24 This chapter applies to intrastate transportation
25 by for-hire common carriers of persons and property.
26 However, this chapter does not apply to regular route
27 motor carriers of passengers or charter carriers, as
28 defined under section 325A.12, or a transportation
29 network company or a transportation network company
30 driver, as defined in section 321N.1.>

31 11. Page 6, line 32, by striking <321N.2> and
32 inserting <321N.3>

33 12. Page 6, line 34, by striking <321N.2> and
34 inserting <321N.3>

35 13. By renumbering, redesignating, and correcting

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1 internal references as necessary.

By PETTENGILL of Benton

H-8068 FILED MARCH 2, 2016

SENATE FILE 2219

H-8062

1 Amend Senate File 2219, as amended, passed, and
2 reprinted by the Senate, as follows:

3 1. Page 1, line 15, by striking <2017> and
4 inserting <2018>

By VANDER LINDEN of Mahaska

H-8062 FILED MARCH 2, 2016



HF 2420 – Sexual Abuse Examination Kit Inventory (LSB1323HV)
Analyst: Alice Wisner (Phone: 515-281-6764) (alice.wisner@legis.iowa.gov)
Fiscal Note Version – New

Description

House File 2420 addresses the issue of untested sexual abuse evidence collection kits not submitted to a crime lab for testing but stored at law enforcement agencies in Iowa.

Background

In September 2015, the U. S. Department of Justice awarded a \$2.0 million grant to the Iowa Attorney General's Office (AG) to identify the number of untested sexual abuse evidence collection kits existing within Iowa law enforcement agencies. Half of the grant funds (\$1.0 million) is directed to testing kits and the remaining funds (\$1.0 million) is directed to support law enforcement investigations and prosecutions derived from kits tested. This grant will be available for three federal fiscal years (FFY 2016 – FFY 2018). A steering committee within the Crime Victim Assistance Division (CVAD) of the AG's Office was formed to administrate the grant.

The funds were received in February 2016 and a survey was immediately sent to 414 Iowa law enforcement agencies. Responses were requested within 90 days. The experience in other states has been a compliance rate of approximately 40.0% with a nonmandated survey. This bill requires a survey response by January 1, 2017. The CVAD is to compile the results of the survey and submit a written report to the General Assembly by March 15, 2017. The report is to include the names and contact information of each law enforcement agency that fails to submit answers to the survey as required. The survey includes specific questions on the storage of each kit, and an inventory of each kit including the reason for not submitting the kit for analysis.

It is not possible at this time to estimate how many untested sexual abuse kits will be reported statewide. The city of Des Moines has already completed an inventory and identified 870 untested kits. It is also unknown at this point how many kits will be viable for testing. A kit must yield five samples to be viable for laboratory testing.

Assumptions

- Up to 1,000 kits will be tested at a cost of \$1,000 each.
- The Department of Public Safety Division of Criminal Investigation Crime Lab will contract with private laboratories for testing kits as the funding is not considered sustainable to add necessary equipment and hire and train additional permanent staff. Only private laboratories following the Federal Bureau of Investigation Quality Assurance Standards will be utilized to perform testing of kits.
- Currently 2.0 FTE positions are being utilized for the survey and inventory of kits. The cost of these FTE positions will be paid from federal funds.

Fiscal Impact

There will be no fiscal impact to the General Fund for the survey, inventory, and testing of sexual abuse kits.

It is not possible to estimate at this time if the federal grant funding will be sufficient to test all identified viable kits. Nor is it possible to estimate if all of the costs involved in investigations and prosecutions related to tested kits will be covered under the federal grant. However, this is a three-year funding process and the survey results will make it possible to estimate the amount of funding necessary to test all viable kits.

The bill may include a state mandate as defined in Code section [25B.3](#).

Sources

Iowa Department of Justice, Attorney General's Office, Crime Victim Assistance Division
Iowa Department of Public Safety, Crime Lab

/s/ Holly M. Lyons

March 2, 2016

The fiscal note for this bill was prepared pursuant to [Joint Rule 17](#) and the Iowa Code. Data used in developing this fiscal note is available from the Fiscal Services Division of the Legislative Services Agency upon request.



HF 2401 – Credit Card Fraud, Minor Involvement (LSB5394HV)
Analyst: Alice Wisner (Phone: 515-281-6764) (alice.wisner@legis.iowa.gov)
Fiscal Note Version – New

Description

House File 2401 creates a new section regarding credit card fraud in Iowa Code [chapter 715A](#) dealing with forgery and related fraudulent criminal acts.

Background

This bill establishes a Class D felony for applying for a credit card in the name of a minor without the consent of the minor's parent, guardian, or legal custodian. A person obtaining services or property with a value of less than \$10,000 using this credit card shall also be committing a Class D felony. A Class D felony is punishable by confinement for no more than 5 years and a fine of at least \$750 but not more than \$7,500.

The bill also establishes a Class C felony for using a credit card obtained in the name of a minor without the consent of the minor's parent, guardian, or legal custodian to obtain services or property at a value greater than \$10,000. A Class C felony is punishable by confinement for no more than 10 years and a fine of at least \$1,000 but not more than \$10,000.

Assumptions

- This bill creates a new crime, and it is not possible to estimate how many charges or convictions will be made under this provision.
- Currently there is an average of approximately six convictions a year for Class C felony unauthorized use of a credit card under Iowa Code [chapter 715A](#).
- Currently there is an average of approximately 45 convictions a year for Class D felony unauthorized use of a credit card under Iowa Code [chapter 715A](#).

Correctional Impact

The average state cost for one Class C felony conviction ranges from \$7,800 to \$18,400. The average state cost for one Class D felony conviction ranges from \$6,300 to \$12,000. The LSA [Correctional Impact Statements Memo](#) dated February 18, 2016, contains additional information. The correctional impact cannot be estimated because this bill creates a new crime.

A person convicted of a C felony property crime serves an average of 17.6 months. At an institutional marginal cost of \$18.43/day, this is a cost of \$9,900 for each additional person convicted. A person convicted of a D felony property crime serves an average of 11.5 months. At an institutional marginal cost of \$18.43/day, this is a cost of \$6,400 for each additional person convicted.

Minority Impact

There is no historical information for this activity because these are new crimes being created. Refer to the Legislative Services Agency (LSA) [Minority Impact Statements Memo](#) dated January 26, 2016, for information related to minorities in the criminal justice system.

Fiscal Impact

The fiscal impact to the state cannot be estimated because this bill creates a new crime and the number of convictions cannot be estimated.

Sources

Iowa Department of Corrections

Iowa Department of Human Rights, Criminal and Juvenile Justice Planning Division

/s/ Holly M. Lyons

March 2, 2016

The fiscal note for this bill was prepared pursuant to [Joint Rule 17](#) and the Iowa Code. Data used in developing this fiscal note is available from the Fiscal Services Division of the LSA upon request.



HF 2392 – Career and Technical Education, Schools (LSB6022HV)
Analyst: Robin Madison (Phone: (515) 281-5270) (robin.madison@legis.iowa.gov)
Fiscal Note Version – New

Description

House File 2392 modifies provisions in statute related to academic and career guidance and to career and technical education courses. Much of the bill updates terminology related to career and technical education, formerly identified as vocational education.

Academic and Career Guidance

HF 2392 requires the State Board of Education to adopt rules providing standards for approved career information and decision-making systems and to develop a review process for approval of such systems utilized by school districts. Until FY 2016, the College Student Aid Commission made a system available to school districts statewide at no cost to the districts, the I Have a Plan Iowa (IHAPI) system. Approximately 87.0% of school districts used that system in at least one grade in grades 8 through 12. At least five districts used a different vendor. Of the remaining districts, some may have been using another vendor, while others were meeting the requirements through other means.

In FY 2016, the Department received \$600,000 in state funding to continue funding IHAPI for those districts that have been participating. Unless a specific appropriation is made to fund the systems for school districts, those districts that have been participating through the College Student Aid Commission will have to assume the costs of meeting the requirements in Iowa Code section **279.61** beginning in FY 2017. However, that is a result of the termination of the IHAPI program by the Commission and is not a result of the provisions in **HF 2392**.

Regional Career and Technical Education Planning Partnerships

Section 42 of the bill establishes Regional Career and Technical Education Planning Partnerships that replace the Regional Vocational Education Planning Boards that are repealed in the bill. Section 43 of the bill provides for the establishment of a Career Academy under an agreement between a school district and community college, or between multiple school districts that have formed a Regional Career and Technical Education Planning Partnership and a community college.

Assumptions

The new provisions in sections 42 and 43 of the bill are intended to provide an improved, updated structure for career and technical programming, formerly vocational education, already required of local school districts. The districts are currently using a mix of federal and state funds to meet those requirements. Those funds will continue to be available to meet the provisions of **HF 2392**.

There are components of the bill that could have potential cost implications for school districts, but there are likely to be cost savings associated, as well. Some of the cost implications may be moderated by decisions at the local level.

Fiscal Impact

House File 2392 will have no significant fiscal impact to the state. The fiscal impact to local school districts cannot be determined but is not anticipated to be significant.

Sources

College Student Aid Commission
Department of Education

March 2, 2016

The fiscal note for this bill was prepared pursuant to [Joint Rule 17](#) and the Iowa Code. Data used in developing this fiscal note is available from the Fiscal Services Division of the Legislative Services Agency upon request.
